

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

UNITED STATES OF AMERICA )  
 )  
v. ) CASE NO. 3:05-CR-234-A  
 )  
TYRONE WHITE )

## **MOTION FOR IMMEDIATE ORDER**

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and hereby moves this Honorable Court to immediately issue an Order to the Jury Clerk of the United States District Court of the Middle District of Alabama.

1. The government concedes in its Response to Court Order (Doc. 33) that Defendant White is entitled to inspect information related to the jury selection process.
2. The government argues, however, that “While the government agrees that the defendant is entitled to some discovery regarding his jury selection claim, such discovery should be narrowly tailored to the issue before the court, namely, whether African Americans were systematically ‘underrepresented.’ Other information in the possession of the clerk’s office, such as personal information, should be excluded from White’s review.” (Doc. 33, Para. 4)
3. Trial in this matter is set for the December 5, 2005, term of this Court. Only 11 business days remain in which to prepare for trial. Time is of the essence and the issue of improper jury composition is fundamental to Defendant White’s ability to get a fair trial. Justice requires that Defendant White be given every opportunity to investigate and present his case in this regard. Accordingly, we respectfully request that this Court rule on this issue immediately, to avoid any further delay in obtaining the requested information.

WHEREFORE, above premises considered, the undersigned prays that this Honorable Court will immediately GRANT Defendant's Motions (Doc. 28, 29 and 30) in respect to discovery related to jury composition; and

FURTHER ORDER the Jury Clerk of the United States District Court for the Middle District of Alabama to make available for inspection and copying, all relevant records in the Clerk's possession or control.

RESPECTFULLY SUBMITTED this 15th day of November 2005,

TYRONE WHITE  
Defendant

/s/ Julian L. McPhillips, Jr.  
JULIAN L. McPHILLIPS, JR.  
Attorney for Defendant  
Alabama Bar No. MCP004  
McPhillips Shinbaum, LLP  
P.O. Box 64  
Montgomery, AL 36101  
(334) 262-1911

CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Todd A. Brown  
Assistant United States Attorney  
One Court Square, Room 201  
P.O. Box 197  
Montgomery, Alabama 36101

/s/ Julian L. McPhillips, Jr.  
JULIAN L. McPHILLIPS, JR.  
Attorney for Defendant